Scotland Laws, &c. II. William III. King. 36
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ACT

For a Company Tradeing to *Affrica*, and the *Indies*.

June 26. 1695.

OUR SOVERAIGN LORD Taking into His Conſideration, That by an Act paſt in this preſent Parliament, Intituled *Act for encouraging of Forraign Trade*; His Majeſty for the Improvement thereof, Did with Advice and Conſent of the Eſtates of Parliament Statute and Declare, That Merchants more or fewer may contract and enter into ſuch Societies and Companies, for carrying on of Trade, as to any ſubject of Goods or Merchandiſe to whatſomever Kingdoms, Countries, or parts of the World, not being in War with His Majeſty, where Trade is in (uſe to be) or may be followed, and particularly, beſide the Kingdoms and Countreys of *Europe*, to the Eaſt and Weſt-*Indies*, the *Streights*, and to Trade in the *Mediterranean*, or upon the Coaſt of *Affrica*, or in the *Northern* Parts, or elſewhere as above: Which Societies and Companies being contracted and entred into, upon the Terms, and in the uſual manner, as ſuch Companies are Set up, and in uſe in other Parts, conſiſtent al-

ways with the Laws of this Kingdom: His Majesty with Consent aforesaid, did Allow and Approve giving and granting to them and each of them all Powers, Rights and Priviledges, as to their Persons, Rules and Orders, That by the Laws are given to Companies allowed to be erected for Manufactories; And His Majesty for their greater Encouragement, did promise to give to these Companies, and each of them his Letters Patent under the great Seal, confirming to them the whole foresaid Powers and Priviledges, with what other Encouragement His Majesty should judge needful, as the foresaid Act of Parliament at more length bears. And His Majesty understanding that several Persons as well Forreigners as Natives of this Kingdom, are willing to engage themselves with great Summs of Money in an *American*, *Affrican*, and *Indian* Trade, to be exercised in and from this Kingdom, if inabled and incouraged thereunto by the Concessions, Powers and Priviledges needful and usual in such Cases. Therefore, and in pursuance of the foresaid Act of Parliament, His Majesty with Advice and Consent of the said Estates of *Parliament*, Doth hereby make and constitute *John* Lord *Belhaven*, *Adam Cockburn* of *Ormistoun*, Lord Justice Clerk, Mr. *Francis Montgomery* of *Giffin*, Sir *John Maxwell* of *Pollock*, Sir *Robet Chiesly* present Provest of *Edinburgh*, *John Swintoun* of that Ilk, *George Clarke* late Baillie of *Edinburgh*, Mr. *Robert Blakewood*, and *James Balfour* Merchants in *Edinburgh*, and *John Corss* Merchant in *Glasgow*, *William Paterson*, *James Foulis*, *David Nairn*, *Thomas Deans* Esquires, *James Cheisly*, *James Smith*, *Thomas Coutts*, *Hugh Frazer*, *Joseph Cohen D' Azevedo*, and *Walter Stewart* Merchants in *London*, with such others as shall joyn with them within the space of twelve Months after the first day of *August* next, and all others, whom the foresaid Persons and these joyned with them or the major part of them being assembled, shall admit and joyn into their Joint-Stock and Trade, who shall all be Repute, as if herein originally insert to be one Body Incorporate, and a free Incorporation, with perpetual Succession, by the Name of *The Company of* Scotland *Trading to* Affrica, *and the* Indies: *Providing always*, *Likeas*, it is hereby in the first place provided, that of the Fond or Capital Stock that shall be agreed to be advanced and imployed by the foresaid Undertakers and their Co-partners; the half at least shall be appointed and allotted for *Scotish* men within this Kingdom, who shall enter and subscribe to the said Company, before the first day of *August*, One Thosand Six Hundred and Ninety Six Years: And if it shall happen, that *Scots* Men living within this Kngdom, shall not betwixt and the foresaid Term, subscribe for, and make up the equal half of the said Fond or Capital Stock, then and in that case allanherly, It shall be, and is hereby allowed to *Scots* Men residing

ſiding Abroad, or to Forraigners to come in, Subſcribe and be aſſumed for the Superplus of the ſaid half, and no otherwiſe: *Likeas*, the *Quota* of every man's part of the ſaid Stock whereupon he ſhall be capable to enter into the ſaid Company, whether he be Native or Forraigner; ſhall be for the leaſt one hundred *lib. Sterl.* And for the higheſt or greateſt, three thouſand *lib. Sterl.* and no more directly nor indirectly in any ſort; with Power to the ſaid Company to have a common Seal, and to alter and renew the ſame at their pleaſure, *with advice always of the Lyon King at Arms*; as alſo to Plead and Sue, and be Sued; and to purchaſs, acquire, poſſeſs, and enjoy Lordſhips, Lands, Tenements, or other Eſtate real or perſonal, of whatſoever nature or quality, and to diſpoſe upon and alienate the ſame, or any part thereof at their pleaſure, and that by Transferrs and Aſſignment, made and entered in their Books and Records without any other formality of Law, *Providing always*, that ſuch Shares as are firſt ſubſcribed for, by *Scots* Men within this Kingdom, ſhall not be alienable to any other than *Scots* Men living within this Kingdom; That the foreſaid Transfers and Convoyances as to Lands and other real Eſtate (when made of theſe only and a part) be perfected according to the Laws of this Kingdom anent the Convoyance of Lands and real Rights, With Power likewayes to the foreſaid Company, by Subſcriptions or otherways, as they ſhall think fit to raiſe a joint Stock or capital Fond of ſuch a Sum or Sums of Money, and under and ſubject unto ſuch Rules, Conditions and Qualifications, as by the foreſaid Company, or major part of them, when aſſembled ſhall be limited and appointed to begin, carry on and ſupport their intended Trade of Navigation, and whatever may contribute to the advancement thereof. *And it is hereby declared*, that the ſaid joint Stock or capital Fond, or any part thereof, or any Eſtate, real or perſonal, Ships, Goods, or other Effects of and belonging to the ſaid Company, ſhall not be lyable unto any manner of Confiſcation, Seiſure, Forfaulture, Attachment, Arreſt or Reſtraint, for and by reaſon of any Embargo, breach of Peace, Letters of mark or repriſal, Declaration of War with any forraign Prince, Potentate, or State, or upon any other account or pretence whatſomever; but ſhall only be transferable, aſſignable, or alienable in ſuch way and manner, and in ſuch parts and portions, and under ſuch reſtriction, rules and conditions, as the ſaid Company ſhall by Writing, in and upon their Books, Records and Regiſters direct and appoint, and theſe Transfers and Aſſignments only, and no other ſhall convoy the Right and Property, in and to the ſaid joint Stock, and capital Fund and Effects thereof above mentioned, or any part of the ſamen; Excepting always, as is above excepted, and that the Creditors of any particular Member of the Company may by their real Diligence affect the ſhare of

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the Profit falling, and pertaining to the Debitor, without having any further Right or Power of the Debitors Part and Intereſt in the Stock or capital Fond, otherwiſe than is above appointed, and with this expreſs proviſion, that whatever charges the Company may be put to, by the contending of any of their Members Deceaſed, or of their Aſſigneys, Creditors, or any other perſons in their Rights: The Company ſhall have retention of their Charges and Expenſes in the firſt place, And the Books, Records, and Regiſters of the ſaid Company, or authentick Abſtracts, or Extracts out of the ſame are hereby Declared to be good and ſufficient for evidents in all Courts of Judicator, and elſewhere. And His Majeſty with advice foreſaid, farder Statutes and Declares, that the ſaid *John* Lord *Belhaven*, *Adam Cockburn* of *Ormiſtoun*, Lord Juſtice *Clerk*, Mr. *Francis Montgomery* of *Giffen*, Sir *John Maxwell*, of *Pollock*, Sir *Robert Chieſly* preſent Proveſt of *Edinburgh*, *John Swintoun* of that Ilk, *George Clarke* late Baillie of *Edinburgh*, Mr. *Robert Blakewood*, and *James Balfour* Merchants in *Edinburgh*, and *John Corſs* Merchant in *Glaſgow*, *William Paterſon*, *James Foulis*, *David Nairn*, *Thomas Deans* Eſquires, *James Chieſly*, *James Smith*, *Thomas Coutts*, *Hugh Frazer*, *Joſeph Cohen D'Azevedo*, and *Walter Stewart* Merchants in *London*, and others to be joined with, or aſſumed by them in manner abovementioned, and their Succeſſors, or major part of them aſſembled in the ſaid Company, ſhall and may in all time coming by the plurality of Votes agree, make, conſtitute, and ordain all ſuch other Rules, Ordinances, and Conſtitutions, as may be needful for the better government and improvement of their joint Stock, or capital Fond in all matters and things relating thereunto: To which Rules Ordinances and Conſtitutions, all Perſons belonging to the ſaid Company as well Directors as Members thereof, Governours, or other Officers, civil or military, or others whatſoever ſhall be ſubject, and hereby concluded; as alſo to adminiſtrate and take Oaths *de fideli*, and others requiſite to the management of the foreſaid Stock and Company. And the ſaid Company is hereby impowered to Equip, Fit, ſet out Fraught and Navigate their own, or hired Ships, in ſuch manner as they ſhall think fit, and that for the ſpace of ten years from the date hereof, notwithſtanding of the Act of Parliament one thouſand ſix hundred and ſixty one Years, Intituled *Act for encouraging of Shipping and Navigation*, wherewith His Majeſty with Conſent foreſaid diſpenſes for the ſaid time allanerly, in favours of the ſaid Company, and that from any of the Ports or Places of this Kingdom [or, from any other parts or places in amity, or not in Hoſtility with His Majeſty in Warlike or other manner to any Lands, Iſlands, Countries, or Places in *Aſia*, *Affrica*, or *America*, and there to plant Collonies, build Cities, Towns or Forts in or upon the places not Inhabited, or in or upon any other place, by conſent

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of the Natives and Inhabitants thereof, and not poſſeſt by any European Soveraign, Potentate, Prince, or State; and to provide and furniſh the foreſaid Places, Cities, Towns, or Forts with Magazins, Ordnance, Arms, Weapons, Amunition, and ſtores of War, and by force of Arms to defend their Trade and Navigation, Collonies, Cities, Towns, Forts, and Plantations, and other their effects whatſoever; as alſo to make Repriſals, and to ſeek and take reparation of Damage done by Sea, or by Land, and to make and conclude Treaties of Peace and Commerce with the Soveraigns, Princes, Eſtates, Rulers, Governours, or Proprietors of the foreſaid Lands, Iſlands, Countries, or Places in *Aſia*, *Affrica*, or *America*, *Providing always*, *Likeas*, It is hereby ſpecially provided, That all Ships imployed by them ſhall return to this Kingdom with their effects, under the pain of Confiſcation, Forfaulture, and Seizure of the Ship and Goods, in caſe of breaking of Bulk before their Return, excepting the caſe of Neceſſity, for preſerving the Ship, Company and Loading allanerly. And His Majeſty with Conſent foreſaid, doth farder Statute and Ordain, that none of the Leidges of this Kingdom ſhall, or may Trade or Navigat to any Lands, Iſlands, Countries, or Places in *Aſia*, or *Affrica*, in any time hereafter, or in *America*, for, and during the ſpace of thirty one Years, to be counted from the paſſing of this preſent Act without Licence and Permiſſion in writing from the ſaid Company; certifying all ſuch as ſhall do in the contrair hereof, that they ſhall Forfault and Amit the third part of the Ship or Ships, and of the Cargo or Cargoes therein Imployed, or the value thereof, the one half to His Majeſty as Eſcheat, and the other half to the uſe and benefit of the ſaid Company: For the effectual execution whereof, it ſhall be lawful to the ſaid Company, or any Imployed by them, to ſieze the ſaid Ships and Goods in any place of *Aſia*, or *Affrica*, or at Sea, upon the Coaſts of *Aſia* or *Affrica*, upon the tranſgreſſion foreſaid, by force of Arms and at their own hand, and that without the hazard of incurring any Crime or Delinquencie whatſomever on account of the ſaid Seizure, or any thing neceſſarly done in proſecution thereof, Excepting always, and without prejudice to any of the Subjects of this Kingdom to Trade and Navigat, during the ſaid ſpace to any part of *America*, where the Collonies, Plantations, or Poſſeſſions of the ſaid Company ſhall not be ſettled. And it is further hereby enacted, That the ſaid Company ſhall have the free and abſolute Right and Property, only relieving and holding of his Majeſty, and his Succeſſors in Soveraignty for the only acknowledgment of their alledgeance, and paying yearly a Hogſhead of Tobacco, in name

of Blench-duty, if required allanerly, in, and to all ſuch Lands, Iſlands, Collonies, Cities, Towns, Forts, and Plantations, that they ſhall come to Eſtabliſh or Poſſeſs in manner aforeſaid; As alſo to all manner of Treaſures, Wealth, Riches, Profits, Mines, Minerals, Fiſhings, with the whole product and benefit thereof, as well under as above the Ground, and as well in Rivers and Seas, as in the Lands thereto belonging, or from or by reaſon of the ſame in any ſort, together with the Right of Government, and Admirality thereof; And that the ſaid Company may by vertue hereof, grant and delegat ſuch Rights, Properties, Powers and Immunities, and permit and allow ſuch ſort of Trade, Commerce and Navigation into their Plantations, Collonies, Cities, Towns, or Places of their Poſſeſſion, as the ſaid Company from time to time ſhall judge fit and convenient, with power to them to impoſe and exact ſuch Cuſtoms, and other Duties upon and from themſelves, and others Trading with, and coming to the ſaid Plantations, Cities, Towns, Places, and Forts, and Harbours thereof, as the Company ſhall think needful for the maintainance and other publick uſes of the ſame, *Holding* always, and to hold the whole Premiſſes of his Majeſty, and his Succeſſors Kings of *Scotland*, as Soveraigns thereof, and paying only for the ſame their acknowledgment and allegiance with a Hogſhead of Tobacco yearly, in name of Blench-Duty if required, for all other Duty, Service, Claim or Demand whatſoever. With power and liberty to the ſaid Company, to Treat for, and to procure and purchaſe ſuch Rights, Liberties, Privileges, Exemptions and other grants as may be convenient for ſupporting, promoting and enlarging their Trade and Navigation from any foraign Potentate or Prince whatſoever, in amity with His Majeſty; for which the general Treaties of Peace and Commerce betwixt His Majeſty and ſuch Potentates, Princes, or States ſhall ſerve for ſufficient Security, Warrand and Authority, and if contrair to the ſaid Rights, Liberties, Priviledges, Exemptions, Grants or Agreements, any of the Ships, Goods, Merchandiſe, Perſons or other Effects whatſoever, belonging to the ſaid Company, ſhall be ſtopt, detained, embezled, or away taken, or in any ſort prejudged or damnified; His Majeſty promiſes to interpoſe his Authority to have reſtitution, reparation and ſatisfaction made for the Damage done, and that upon the publick Charge, which His Majeſty ſhall cauſe depurſe, and lay out for that Effect. And farder, it is hereby Statute, that all Ships, Veſſels, Merchandiſe, Goods and other Effects whatſoever, belonging to the ſaid Company, ſhall be free of all manner of Reſtraints or Prohibitions,

ons, and of all Cuſtoms, Taxes, Ceſſes, Supplies, or other Duties Impoſed, or to be Impoſed by Act of Parliament, or otherwiſe, for, and during the ſpace of twenty one Years, excepting alwiſe the whole Duties of Tobacco and Sugar, that are not of the growth of the Plantations of the ſaid Company. And farder it is Enacted, that the ſaid Company by Commiſſion under their common Seal, or otherwiſe as they ſhall appoint, may make and conſtitute all and every their Directors, Governours, and Commanders in chief, and other Officers civil or military by Sea, or by Land; as likewiſe that the ſaid Company may Inliſt, Inroll, Agree and Retain all ſuch Perſons Subjects of this Kingdom, or others whatſoever, as ſhall be willing and conſent to enter into their Service or Pay, providing always that they Uplift or Levy none within this Kingdom to be Soldiers, without Leave or Warrand firſt obtained from His Majeſty, or the Lords of His Privy Council, over which Directors, Governours, Commanders in chief, or other Officers civil or military, and others whatſoever in their Service and Pay, the Company ſhall have the power, command and diſpoſition both by Sea and Land. And it is farder Statute, that no Officer civil or military, or other Perſon whatſoever within this Kingdom, ſhall Impreſs, Entertain, Stop or Detain any of the Members, Officers, Servants, or others whatſoever, off, or belonging, to the ſaid Company; and in caſe the ſaid Company, their Officers or Agents ſhall find or underſtand any of their Members, Officers, Servants, or others aforeſaid to be Impreſſed, Stopped or Detained, they are hereby authorized and allowed to take hold of, and releaſe the foreſaid Perſon Impreſſed or Stopped in any part of this Kingdom, either by Land or Water; and all Magiſtrates and others, His Majeſty's Officers civil or military, and all others are hereby required in their reſpective Stations, to be aiding and aſſiſting to the ſaid Company under the pain of being lyable to all the Loſs, Damage, and detriment of the ſaid Company, by reaſon of the foreſaid Perſons their neglect. And farder that the ſaid Company, whole Members, Officers, Servants, or others belonging thereto, ſhall be free, both in their Perſons, Eſtates, and Goods employed in the ſaid Stock and Trade, from all manner of Taxes, Ceſſes, Supplies, Exciſes, Quartering of Souldiers Tranſient or Local, or Levying of Souldiers, or other Impoſitions whatſoever, and that for and during the ſpace of twenty one Years. And laſtly, all Perſons concerned or to be concerned in this Company, are hereby declared to be free Denizons of this Kingdom, and that they with all that ſhall ſettle to inhabit, or be born in any of the foreſaid

Plantations,

Plantations, Collonies, Cities, Towns, Factories, and other Places that ſhall be purchaſt and poſſeſt by the ſaid Company, ſhall be repute as natives of this Kingdom, and have the Priviledges thereof. And generally without Prejudice of the Specialities foreſaid, His Majeſty with conſent foreſaid, gives and grants to the ſaid Company, all Power Rights and Priviledges, as to their Perſons, Rules, Orders, Eſtates, Goods and Effects whatſoever, that by the Laws are given to Companies allowed to be erected for manufactories, or that are uſually given in any other civil Kingdom, or Common-wealth, to any Company there erected for Trade and Commerce. And for the better Eſtabliſhment and greater Solemnity of this Act and Gift in favours of the ſaid Company, His Majeſty doth farder Ordain, Letters Patent to be expede hereupon, containing the whole Premiſes under the Great Seal of this Kingdom, for doing whereof *Per Saltum:* Thir Preſents ſhall be ſufficient Warrand both to the Director and Chancellor, or Keeper of the Great Seal, as uſe is in like Caſes.

Extracted furth of the Records of Parliament, by
TARBAT, *Cls. Regiſtri.*

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